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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,083	01/18/2002	Yun Ling	42390P13118	3639
7590		04/29/2004	EXAMINER	
John P. Ward		LEVI, DAMEON E		
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP		ART UNIT		
Seventh Floor		PAPER NUMBER		
12400 Wilshire Boulevard		2841		
Los Angeles, CA 90025-1026		DATE MAILED: 04/29/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/054,083	Applicant(s) LING ET AL.	
	Examiner Dameon E Levi	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Appeal Brief 04/12/2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-19 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

REOPENED PROSECUTION

In response to the Appeal Brief dated 04/12/2004, and, upon further considerations, the Examiner herein withdraws the previous rejection and reopens prosecution of the instant application. A new rejection of the claims follows below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tondreault US Patents 5364282, 5775925, 5928015, and 5603625.

Regarding claim 1, Tondreault discloses a connector assembly comprising:

a connector having a slot therein to receive an edge portion of a card; and

a lever mechanism movably coupled to the connector and having an engaging surface adapted to apply a lever force on the card during insertion of the card in the slot of the connector (for example, see elements 10, 14, 16, 12, 22, Figs 1-5). Moreover, it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138

Regarding claim 2, Tondreault discloses, wherein the engaging surface is adapted to contact a contact surface on the card. Moreover, it has been held that the recitation that

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an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138

Regarding claim 3, Tondreault discloses wherein the engaging surface includes a surface defined by a protuberance (for example, see elements 44,22, Figs 1-5)

Regarding claim 4, Tondreault discloses wherein the card is a memory card (for example, see columns 1-4)

Regarding claim 5, Tondreault discloses wherein the lever mechanism includes a lever pivotally coupled with the connector via a pivot positioned near a base end of the lever (for example, see elements 28,30,22 Figs 2-4)

Regarding claim 7, Tondreault discloses wherein the lever mechanism includes a contact surface adapted to be moved from a first open position to a second closed position, and wherein the contact surface moves a greater distance than a distance traveled by the engaging surface when the lever mechanism is moved from the first open position to the second closed position (for example, see elements 44,22, Figs 3,4).

Moreover, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138

Regarding claim 8, Tondreault discloses further comprising:

an ejector attached to a base end of the lever mechanism to remove from the slot the card inserted therein when the lever mechanism is moved from a closed position to an open position (for example, see elements 36,22, Figs 2-4).

Regarding claim 9, Tondreault discloses further comprising a locking mechanism coupled with a lever to lock the lever in a closed position (for example, Fig 2).

Regarding claim 10, Tondreault discloses wherein the locking mechanism is adapted to emit an audible sound as it locks into place (for example, see Figs 1-4). Moreover, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138.

Regarding claims 11-13, the methods disclosed therein are deemed as inherent in the assembly of the claimed apparatus of the preceding claims as fully met by (Tondreault) and are subsequently rejected.

Regarding claim 14, Tondreault discloses an assembly comprising:

a connector having a slot therein to receive a card;
a first case attached to a first end of the connector, the first case having first and second opposing planar surfaces defining a channel therebetween, and having a hole formed in each planar surface; a lever mechanism having a first end, a base end, and a middle portion, the lever mechanism having a contact surface movable by a user between a first position and a second position; an ejector attached to the base end of the lever;
an engaging surface attached to a surface of the lever mechanism above the ejector;
and a first and second pivots attached to a first and second sides of the lever, respectively, proximate the middle portion of the lever mechanism (for example, see elements 10, 14, 16, 12, 20, 22, 24, 28, 30, 32, 36 Figs 1-5, see columns 1-4)

Regarding claim 15, Tondreault discloses wherein the lever mechanism is pivotally coupled with the connector by insertion of the first pivot in the hole in the first planar surface of the first case and insertion of the second pivot in the hole in the second planar surface of the first case (for example, see Figs 1-4).

Regarding claim 16, Tondreault discloses wherein the engaging surface includes a surface defined by a protuberance (for example, see element 44, Figs 1-4).

Regarding claim 17, Tondreault discloses wherein the ejector includes a protuberance to engage a bottom edge of the card (for example, see element 36, Figs 1-4).

Regarding claim 18, Tondreault discloses wherein the lever mechanism is made of plastic (for example, see columns 1-4)

Regarding claim 19, Tondreault discloses a printed circuit board attached to a bottom surface of the connector (for example, see columns 1-4)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Tondreault US Patents 5364282, 5775925, 5928015, and 5603625 in view of Arbogast et al US Patents 6305966.

Regarding claim 6, Tondreault the instant claimed invention except wherein the engaging surface is located on a middle portion of the lever.

Arbogast et al discloses a connector assembly wherein an engaging surface is located on a middle portion of a lever (for example, see element 118, Figs 1,2,4,6,7,8)


Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have positioned the engaging surface in the middle as taught by Arbogast et al in the lever as taught by Tondreault in order to accommodate a notch in a higher profile memory card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dameon E Levi


DAVID MARTIN
SUPERVISORY PATENT EXAMINER
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